

SUMMARY MINUTES

**BUILDING ADVISORY BOARD
ROOM 107, CITY-COUNTY BUILDING**

TUESDAY – JULY 11, 2006 – 4:00 P.M.

Members Present: Bob Haworth, Les Appleby, Vernie Stillings, Dallas Bruhl, Kenny Hancock, Jim Manley, Rick Walters, Bob Dolan, Steve Barnett

Members Absent: none

Staff Present: Mike Roberts, Sue Cline, Mike Schrage, Dean Andrew, Greg Bengtson

Audience Count: 20

Meeting was called to order by Bob Haworth, Chairman, at 4:00 p.m.

(A) Approval of June 13, 2006 minutes

MOTION: Vernie Stillings moved to approve minutes as written

SECOND: Bob Dolan seconded the motion

DISCUSSION: None

VOTE: 9-0 approved

(B) Further discussion of the City Commission request to consider sunset requirements for Provisional Building Contractor licenses and specific designations of specialty contractors for Class D licensing

Bob Haworth – stated that he would like the record to show that city staff sent a special mailing to over 400 contractors for this meeting informing them of the agenda item that would be discussed and some background on what the status of that was.

Mike Roberts - recapped the agenda item before the board today (see staff report dated 7-11-06)

Bob Haworth – Questions or comments from the board? None

Bob Haworth – Questions or comments from the public?

Don Marrs – DMA Architects – Mr. Marrs presented a proposal (passed out copies to the board members and staff during meeting). Basically Mr. Marrs stated that he concurs with Mr. Appleby's proposal but expanded position by presenting the points of his written proposal. (see copy of proposal included in these minutes, titled Exhibit B)

Questions of Don Marrs by the board members?

Bob Haworth asked if staff had concerns about the amount of work load that staff would take on if we had to track the status of the continuing education credits for the contractors. Discussion took place regarding the possibility of staff performing this duty, but the details of what that would include were not discussed.

Jim Manley asked again about the differences between a provisional license versus a grandfather license.

Mike Roberts presented definitions of those two “types” of licenses

Jim Manley asked if you keep trying to take the test and keep failing the test you will still have a provisional license forever under Mr. Marrs's proposal – right?

Don Marrs said that would be correct

Mike Roberts did clarify that the provisional license would be specific to one qualifying person not to the company as a whole so a company's provisional license could not last indefinitely.

Bob Haworth questioned item #3 of Mr. Marrs's proposal and discussion took place about the intent of that proposed item.

Mr. Marrs said that he felt that if we make the restrictions too strict it would not encourage compliance but would rather encourage work without permits.

Mike Flory – President, Homebuilders Association – presented comments in support requiring continuing education credits and thinks that would be a good way to keep contractors up to speed on current code related issues. He suggested perhaps the city could host regular meetings with the building contractors much the same way that they do for the plumbing, mechanical, electrical contractors, maybe monthly or bi-monthly meetings. These meetings could be used for discussions related to code changes and policy changes – things they need to know. These meetings could also perhaps be used to meet continuing education credits. Mr. Flory also said he pretty much agrees with Mr. Marrs's item #1 and #2.

Dennis Wolf – Wolf's Heating and Cooling – asked if the board is going to allow the licensed trades a breakdown of license categories as well – He thinks if you allow the general contractors a break down in license categories you would also need to consider that for the licensed trades.

Mike Roberts – said that would be a separate item from today's agenda and could be considered at a future meeting, but is not pertinent to today's agenda.

Daryl Bixby – Building Contractor – said he is concerned about the time allowance on item #1 of Mr. Marrs's proposal. What if the contractor never passes a test? Isn't there a point at which the contractor would not have to take a test any more? He said that basically the older, most experienced contractors should be allowed a provisional license without a test requirement.

Wil Warhurst – Midwest Siding – What are we so afraid of? The test is designed for the average person to be able to pass – The test should not be a big deal. Mr. Warhurst also said that we need some type of registration so that city staff can track all contractors.

Wayne Montgomery – Building Contractor – questioned Mr. Marrs's item #1 and said he does not agree. He does agree with Mr. Appleby's proposal – it's simple.

Bob Haworth asked if there was any further public comment – None

Bob Haworth brought this agenda item back to the board for further discussion and/or action.

Mike Roberts - offered some clarification regarding Johnson County and the City of Lawrence – Both have provisional licenses with a requirement for 32 hours of continuing education credits within two years – then the provisional license converts to a regular license. There was also another category in both of these jurisdictions and it was a full license with no test requirement based on years of experience.

Kenny Hancock – stated his concerns with item #1 of Mr. Marrs's proposal. He does not think that it should be open ended – perhaps there needs to be a sunset date to pass the test. He likes what Lawrence and Johnson County have done and something like that would be his choice. He says that he still believe that most of the contractors could pass the test though.

Dallas Bruhl – stated that he agrees with most of what Kenny said. He believes that contractors can pass the test – 5 years should be adequate time for a provisional licensed contractor to pass a test. Continuing education would be critical though.

Bob Haworth – stated that because he already has a four year degree in Construction Sciences he would not *personally* take a stand, because either way it goes he is already qualified to obtain a license without having to take a test. He did state that he thinks education is the key. The main purpose of requiring registration or licensing is to help assure better built structures and better code compliance. He asked - Why put a sunset date on the provisional license? – we don't need to necessarily do that now – we could always look at that as an additional requirement later. Mr. Haworth stated that he is definitely supportive of continuing education requirements but is opposed to a sunset date on the provisional license. We would be one of the few communities that have sunset dates on provisional licenses.

Steve Barnett – stated that there are a lot of people here in the audience who have not said a word and invited them to speak.

Bob Haworth – reminded the board that the public comment portion of the meeting has been closed.

Greg Bengtson, City Attorney – expressed some concerns about the idea of starting the provisional license without a sunset date and then adding one at a later date.

Rick Walters – asked how staff would feel about tracking the continuing education credits.

Mike Roberts – stated that we could probably manage it but that is an administrative issue and does not require board action.

Bob Haworth – reminded the board to stay focused on the 1st issue, which to decide whether or not a sunset date would be required on the provisional license. He suggested that these issues be broken down one by one. Mr. Haworth asked if there was a motion.

Bob Dolan offered one further comment by stating that he agrees with almost all of what Les Appleby proposed.

MOTION: Les Appleby moved that the board make a recommendation for a provisional license without a sunset clause.

SECOND: Board members: Accurate information was not obtained for who seconded this motion. Do any of you remember? You can let me know at the next meeting and the minutes can then be corrected.

VOTE: 5-4 motion passed (show of hands confirmed the vote)

Mr. Haworth directed the board to now consider whether or not they would make a recommendation to require continuing education credits for either a provisional license or for the regular license.

Bob Dolan – stated that he feels the continuing education credits should be required on the provisional license and once they meet the number of credits then their license would roll over to a regular license.

Mike Roberts – clarified that the Johnson County and Lawrence requirements for continuing education on a provisional license is for 32 hours of code related education during the first two years of provisional license and the “regular” licenses require 8 hours per year of continuing education credits.

Public Comments / Questions:

Mike Flory, Homebuilders Association, asked how city staff feels about hosting or sponsoring classes in Salina.

Mike Schrage, Deputy City Manager – indicated that it would depend on the degree of involvement. He said he thinks staff would definitely be able to provide some level of continuing education sponsorship.

Kenny Hancock – says he does not believe the city should sponsor or host all classes for continuing education. The contractor needs to take that responsibility as well.

Mike Roberts – reminded the board that the person who would be required to take the continuing education would be the “qualified person” working for the company who holds the building contractor’s license. However, if other employees of the company wish to take continuing education credits they can. Mr. Roberts suggested that perhaps the Homebuilders Association could partner with city staff in sponsoring classes or obtaining speakers / instructors for classes.

Mark Augustine, Triplett Inc. – stated that the required classes he takes related to the services his company provides are not always practical. He stated that he does not think the entrepreneur, the “casual contractor” acting as his own contractor should be required to take classes for continuing education.

Mike Roberts – stated that it sounds like Mr. Augustine agrees with Don Marrs with regard to the building owner and exceptions that should be made for them regarding licensing. Mr. Roberts stated that there is no “casual contractor” category proposed and once a contractor becomes a licensed contractor there are no provisions limiting him from performing work on buildings he does not own. If a property owner wants to save money by acting as his own general then perhaps they should put that money toward continuing education in order to meet the requirements of the contractor license.

Stan Byquist– stated that he feels the continuing education is a good thing and hopefully those classes could be available in Salina most of the time.

Wil Warhurst, Midwest Siding – asked if correspondence classes would be considered as a way to meet the continuing education requirement.

Kenny Hancock – stated that engineers are allowed to do online courses to meet continuing education and wondered if there were similar classes online for building contractors.

Mike Roberts – answered by saying that he did not know and we could probably check into that. He stated that he is open to the board giving direction to staff on the types of classes they think would be appropriate to accept.

Daryl Bixby – stated that we're only talking about 6-8 of credit hours per year. He thinks the Homebuilders Association can work with the city to put on some classes.

Chuck Carroll – Business Owner, Registered Contractor – does not agree with a sunset date on the provisional license states that he pretty much agrees with Les Appleby's proposal and would be willing to take 8-10 hours per year but does not want to spend thousands of dollars going to classes.

Greg Stevens – stated that he does teach online classes at K-State Salina so he knows that would be an option. Mr. Stevens went on to ask if landlords are affected by the contractor licensing requirements and also what about handymen.

Bob Haworth – stated that the question of contractor licensing requirements for landlords and handymen would be discussed when we continue discussion of the specific breakdown of the Class D license category.

Mr. Haworth asked if there was further public or board comment. None

Mr. Haworth asked for a motion on the subject of whether or not the board recommends continuing education for provisional or the regular contractor's license.

MOTION: Bob Dolan made a motion for the board to recommend a requirement of six years per year of approved continuing education credits in order to maintain a contractor's license.

SECOND: Jim Manley seconded the motion

DISCUSSION: None

VOTE: 9-0 motion passed

Mr. Haworth asked for a motion on the subject of whether or not the board recommends continuing education for the provisional license and if so how much and for how long?

MOTION: Kenny Hancock moved that the board recommend a requirement of 12 hours per year for the first three years of a provisional license, then that provisional license would convert to a regular license and there would be no further requirement to take a test. If the contractor does not

get 36 hours of continuing education in the first three years of a provisional license, his license would no longer be valid.

SECOND: Steve Barnett seconded the motion

DISCUSSION: None

VOTE: 9-0 motion passed

Agenda Item "B" discussion continued and moved on to the specifics for Class D license classifications.

(5:55 pm – Kenny Hancock had an emergency and had to leave the meeting)

Discussion included a review of certain exemptions as they currently exist in the draft ordinance.

Mike Roberts double checked the proposed ordinance language and confirmed that it states "If the work did **not** require architectural or engineered plans, but did require a permit then a Class D (aka: registered contractor) license would still be required."

Les Appleby – stated that he thinks there is a need for a category for owners to perform their own non-structural work that does not require an architect or engineer to do the plans in order to obtain a permit – maybe call that a Class D and then determine other types of specialty licenses.

Chuck Carroll – said that about every project he has done so far has had architectural plans, so where do I fit in now? Am I going to be required to take the continuing education credits?

Mike Roberts – stated "Yes you are" and also pointed out that Mr. Carroll probably had some projects that may not have required architectural stamped plans, but Mr. Carroll chose to have them done by an architect anyway.

Mike Flory – asked what we were talking about right now – what is the agenda item on the floor for discussion?

Mr. Haworth and Mr. Roberts clarified that we are discussing the specialty contractor classifications.

Greg Stevens – asked again how the Class D or specialty contractors classifications would affect the landlord.

Mr. Haworth asked if there was any other public comment or questions related to the agenda item. Hearing none, he brought item back to the board for further discussion and/or action.

Several board members made comments indicating agreement with what Les Appleby had proposed in his letter (see copy of proposal titled Exhibit A)

Les Appleby – suggests that we proposed Classes of A, B, C and D and also add specialty contractors we think are appropriate.

MOTION: Les Appleby moved that the board make a recommendation to have Class A, B, C, and D licenses and then some specialty licenses to be further identified.

SECOND: Bob Dolan seconded the motion.

DISCUSSION: None

VOTE: 8-0 motion passed

Bob Haworth – stated that now the board needs to **define** a Class D license and **define** the specialty licenses.

Les Appleby – presented his written proposal (**Exhibit A**). Mr. Appleby went on to say that he thinks there should be a Class D license which would be defined as a classification of license for a building owner. Mr. Appleby further stated that if a permit is required for the work, but no architectural or engineered plans are required then a building owner with a Class D license could do the work.

Mike Roberts – asked for clarification regarding whether or not there would be limits to the extent of work a Class D (building owner) contractor could do. Would he be allowed **to do any and all** work covered under a building permit including such work that might require a specialty contractors license such as framing, as long as there were no required architectural or engineered plans?

Les Appleby suggested that issue could be at staff's discretion.

Bob Haworth – stated that maybe the wording needs to be that "an owner can be the general contractor under a Class D license as long as the work is non-structural and does not require a design professional in order to obtain a permit.

Les Appleby stated that he is not sure how this could be worded, but feels we (Mike and he) are saying the same thing.

Mike Roberts said that the original draft ordinance proposed that a Class D contractor could obtain permits for work that did not require a design professional. Mr. Roberts stated the real question before the board is to decide if there is a need to license an owner for certain types of work. An owner carries liability insurance anyway.

Les Appleby – suggested we just add an exception in the Class A, B, C – provide specific wording regarding an exemption for building owners within the definitions of the Class A,B,C licenses. Mr. Appleby stated that he thinks that is what we are basically after – some sort of way to allow the building owner to be his own contractor.

Mike Roberts – suggested that the board re-word the Class A,B,C license definitions to include an exemption for building owners and not have a separate class of license for building owners.

Discussion continued about the different scenarios regarding an owner acting as his own contractor.

Should a building owner be allowed to do drywall, framing etc. work without being a registered contractor?

Bob Haworth asked if there was any further public comment

Mike Flory – stated that there are some specialty contractors that would no longer be required to be licensed or even registered and he said that he does not think that would be a good idea. He supports at least a registration for all contractors performing work, like contractors who do window replacements or siding.

Mike Roberts suggested that perhaps the board could consider a Class D license category – and include all other contractors who do not fall within the A,B,C or specialty license categories and do not require any testing for the Class D license.

Bob Haworth summarized discussion points so far on this topic.

Mike Roberts also added some summary points regarding his understanding of the board's overall direction in an effort to facilitate a motion.

(7:00 pm - Jim Manley – had to leave meeting)

Mike Roberts stated that what Les is saying and what the City Commission directed the board to consider is that the City Commission wants a specific all inclusive list, but we can start somewhere and can always add other specialty contractor categories at a later date. Mr. Roberts stated that due to the late hour, unless the board has a consensus regarding specialty contractors, we could table this agenda item to the next meeting or they could make a motion this evening.

MOTION: Les Appleby moved to make a recommend to the City Commission to establish specialty license categories as listed in his proposal. (Exhibit A)

SECOND: Steve Barnett seconded the motion

DISCUSSION: None

VOTE: 7-0 motion passed

(C) Other Business

Mike Roberts summarized the remaining items to discuss at next the meeting will include:

1. A specific definition of a Class D license
2. Specific contractor testing requirements for the specialty licenses. Les Appleby's proposal did include some recommendations for testing by category, but a formal decision has not been made on that yet.

MOTION TO ADJOURN: Mr. Haworth adjourned the meeting directly at 7:10 p.m.

Michael Roberts